

## Message Text

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 /026 W

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O R 171947Z APR 75

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 2189

INFO AMEMBASSY BRASILIA

AMEMBASSY LIMA

S E C R E T GENEVA 2702

EXDIS

FROM USDEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: APPROACH TO DEEP SEABED NEGOTIATIONS ISSUE

1. AS YOU ARE AWARE, US IS NOW ENGAGED IN MAJOR NEGOTIATIONS IN GENEVA ON LOS. THESE NEGOTIATIONS INVOLVE MANY CRITICALLY IMPORTANT SECURITY AND ECONOMIC INTERESTS. CONFERENCE IS MAKING PROGRESS ON MOST ISSUES AND WE BELIEVE THERE IS REAL CHANCE THAT BASIC AGREEMENT ON MANY QUESTIONS CONCERNING NAVIGATION, ECONOMIC ZONE AND POLLUTION CAN BE SETTLED THIS SESSION. HOWEVER, UNLESS THERE IS MEANINGFUL PROGRESS IN NEGOTIATIONS ON ISSUES OF DEEP SEABED MINING REGIME, INCLUDING POWERS AND FUNCTIONS OF NEW INTERNATIONAL MACHINERY, WHO MAY EXPLOIT THE SEABED, COMPOSITION OF THE COUNCIL, DISPUTE SETTLEMENT MACHINERY, ETC., SUCCESS IN OTHER AREAS MAY BE JEOPARDIZED. OUR LOS DELEGATION BELIEVES THAT KEY TO SUCCESS IN NEGOTIATIONS ON SEABED (COMMITTEE I) IS ATTITUDE OF BRAZILIAN AND PERUVIAN REPS. BRAZIL AND PERU HAVE BEEN LEADERS OF LDC GROUP IN THESE NEGOTIATIONS SINCE THEY BEGAN IN 1971. THEIR REPS (SERGIO MARTIN THOMPSON-FLORES, OF BRAZILIAN UN MISSION NEW YORK AND ALVARO DE SOTO, OF PERUVIAN UN MISSION NEW YORK) HAVE BEEN EXTREMELY ABLE AND EFFECTIVE OPPONENTS OF U.S. POSITIONS. U.S. DEL BELIEVES

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THESE TWO REPS EXERCISE UNQUESTIONED AND ABSOLUTE

LEADERSHIP AMONG LDC'S ON DEEP SEABED ISSUES AND COULD INFLUENCE LDC DELEGATIONS IN COMMITTEE I TOWARD COMPROMISE AND ACCOMODATIONS OR, ALTERNATIVELY, COULD STALL ALL MEANINGFUL NEGOTIATIONS. SO FAR THIS SESSION, DESPITE A GENERAL DESIRE AMONG LDC'S TO WRAP UP KEY ELEMENTS OF DEEP SEABED PACKAGE AND DESPITE THE FACT THAT BRAZIL AND PERU HAVE GENERALLY DEMONSTRATED MORE MODERATE POSITIONS THAN IN THE PAST AND HAVE PRIVATELY INDICATED A DESIRE TO MEET U.S. CONCERNS, THE BRAZIL AND PERU DELS HAVE PUBICLY RESISTED ANY COMPROMISE ON THESE ISSUES AND HAVE EFFECTIVELY PROVENTED PROGRESS. THEY MAY BELIEVE NEGOTIATIONS ARE AT TOO EARLY A STAGE FOR COMPROMISE AND THAT THEY SHOULD WAIT UNTIL A FUTURE SESSION OF CONFERENCE. THEY SEEM PREPARED TO CONTINUE NEGOTIATION FOR SEVERAL MORE SESSIONS AND ARE PACING CONCESSIONS ACCORDING TO THAT TIME SCHEDULE.

2. IT IS OF UTMOST IMPORTANCE TO ACHIEVE MAJOR POLITICAL COMPROMISES IN COMMITTEE I NEGOTIATIONS AT THIS SESSION OF CONFERENCE, PARTICULARLY IN VIEW OF DOMESTIC PRESSURE FOR UNILATERAL OCEAN MINING LEGISLATION, AND CONSEQUENTLY WE WOULD LIKE TO HAVE BRAZIL AND PERU REPS INSTRUCTED TO COOPERATE WITH U.S. DEL IN COMMITTEE I WITH VIEW TOWARDS RESOLVING ALL POLITICAL ISSUES AND DRAFTING CRITICAL ARTICLES BY END OF GENEVA SESSION. UNLESS THERE ARE STRONG REASONS AGAINST, US DEL REQUESTS THAT EMBASSIES LIMA AND BRASILIA BE INSTRUCTED TO MAKE AN APPROACH AT THE HIGHEST APPROPRIATE LEVEL AND AT THE EARLIEST SUITABLE OPPORTUNITY TO URGE BRAZIL AND PERU TO WORK TOWARD AGREEMENT ON AT LEAST MAJOR ELEMENTS OF A PACKAGE ON DEEP SEABED ISSUES. PURPOSE OF DEMARCHE WOULD NOT BE TO COMPLAIN ABOUT HOST GOVERNMENT REPS IN CONFERENCE (ON CONTRARY, WE WISH TO COOPERATE WITH THEM, NOT ANTAGONIZE THEM). OUR INTENTION IS ONLY TO OBTAIN CHANGE IN ANY INSTRUCTIONS TO THESE DELEGATIONS TO GO SLOW AT GENEVA.

3. THE FOLLOWING TALKING POINTS SHOULD BE USED:

A) LOS NEGOTIATIONS HAVE REACHED A CRITICAL STAGE.

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IT IS IMPORTANT THAT PROGRESS BE MADE DURING GENEVA SESSION IF THERE IS TO BE A SUCCESSFUL TREATY. FAILURE AT THIS SESSION COULD RESULT IN MAKING FINAL AGREEMENT MORE DIFFICULT TO REACH.

B) U.S. BELIEVES THERE IS BASIS AT GENEVA FOR AGREEMENT ON ALL IMPORTANT ISSUES WHICH WILL MEET THE VITAL CONCERNS OF MOST COUNTRIES.

C) WE ARE GRATIFIED AT APPARENT PROGRESS ON VARIETY

OF ISSUES BUT IN VIEW OF COMPLEXITY OF COMMITTEE I AND  
LARGE NUMBER OF INTERRELATED TREATY ARTICLES, WE ARE  
CONCERNED AT SLOW PACE OF NEGOTIATIONS ON THE DEEP  
SEABED ISSUES (COMMITTEE I).

D) IT IS VERY IMPORTANT THAT ALL COUNTRIES CONCERNED  
WITH THESE QUESTIONS WORK TOGETHER NOW TO SEEK FINAL  
AGREEMENT AT EARLIEST POSSIBLE TIME.

E) HOST GOVERNMENT IS CLEARLY AMONG PRIMARY  
LEADERS IN THE LOS CONFERENCE FIRST COMMITTEE.

F) WE WOULD LIKE TO HAVE OUR DELEGATIONS WORK  
TOGETHER FOR A RAPID SOLUTION TO THESE ISSUES.

G) WE REGOGNIZE THAT AT MOMENT THERE ARE DIFFERENCES  
OF VIEW ON CERTAIN QUESTION RELATING TO DEEP SEABED  
ISSUES BETWEEN U.S. AND HOST GOVERNMENT, BUT WE BELIEVE  
THAT THESE DIFFERENCES CAN BE BRIDGED.

H) WE ARE CONCERNED THAT SOME DELEGATIONS MAY HAVE  
CONCLUDED THAT TIME IS NOT RIPE FOR SERIOUS NEGOTIATIONS  
AND THAT SETTLEMENT IS THESE ISSUES MUST AWAIT FUTURE  
SESSIONS OF LOS CONFERENCE. IN OUR VIEW THIS IS NOT A  
CORRECT ASSESSMENT OF THE PACE OF THE NEGOTIATIONS AND  
WE HAVE NOW REACHED STAGE FOR RESOLVING MAJOR POLITICAL  
ISSUES.

I) WE HOPE THAT HOST GOVERNMENT CAN AGREE THAT IT IS  
IN OUR COMMON INTEREST TO MOVE FORWARD RAPIDLY TO  
RESOLVE ALL POLITICAL ISSUES ON DEEP SEABED QUESTION  
AND THAT HOST GOVERNMENT DEL WILL BE INFORMED OF THE  
HIGH-LEVEL U.S. CONVERN WITH THE NEED TO MAKE PROGRESS  
AT GENEVA SESSION AND OUR DESIRE TO WORK WITH THE HOST  
GOVERNMENT DEL IN ACHIEVING COMPROMISE, ESPECIALLY IN  
LIGHT OF RECOGNIZED LEADERSHIP EXCERCISED BY HOST  
GOVERNMENT DEL AMONG A LARGE NUMBER OF OTHER DELEGATIONS.

4. FOR BRASILIA, FYI: WE ANTICIPATE POSSIBILITY THAT  
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SECRETARY MAY RAISE THIS ISSUE DURING HIS VISIT TO HOST  
COUNTRY, AND THUS YOUR APPROACH COULD LAY FOUNDATION FOR  
HIM AND PROVIDE OPPORTUNITY DURING HIS VISIT TO HAVE  
HOST GOVERNMENTS REPORT ON PROGRESS MADE AS A RESULT  
OF YOUR EARLIER CONVERSATIONS.

5. U.S. DEL REQUESTS DEPARMENT AUTHORIZE EMBASSIES  
LIMA AND BRASILIA TO MAKE REQUESTED DEMARCHE. DALE

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## Message Attributes

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